

***Expenditure Authorization for direct Reimbursement of Orphan Hazardous Waste  
Terms and Conditions***

**Statutory Reference**

K.S.A. 65-3415a(c)(10) authorizes the Secretary of KDHE to make direct payments to reimburse counties or cities for household, farmer or exempt small quantity generator hazardous wastes generated from person not served by existing household hazardous waste programs or direct payment of contractors for the disposal costs of such wastes.

**Definitions**

“Household Hazardous Waste” (HHW) means those small quantities of hazardous waste in the possession of homeowners and other householders and farmers including, but not limited to, household cleaners, flammable liquids, antifreeze, aerosols, corrosives, pesticides, herbicides, poisons, and latex paints.

“Resident” means homeowners, householders, and farmers.

“Small Quantity Generator” means any business/industry that generates less than 25 kg of hazardous waste and or less than 1 kg of acutely toxic waste in any calendar month.

“Orphan Hazardous Waste” means hazardous waste found in a county not served by a HHW or Small Quantity Generator facility/program and deemed “orphan hazardous waste” by KDHE.

**Disclaimer of Liability**

Neither the State of Kansas nor any agency thereof shall hold harmless or indemnify any contractor beyond that liability incurred under the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.).

**Requests for Disposal**

KDHE shall evaluate specific requests from individual residents and/or government officials. KDHE shall determine whether said waste is HHW or Orphan waste and identify the nearest permitted HHW facility for proper storage/disposal.

**Transportation of Wastes**

Following evaluation and approval of the resident or city/county’s request to dispose of HHW or orphan wastes, KDHE will coordinate delivery of said wastes. Transportation to the permitted facility shall be performed by the requesting resident or city/county. If resident or city/county is unable to transport said wastes, KDHE will arrange for transportation. If the accepting HHW facility agrees to transport said wastes, they agree to do so in accordance with applicable safety standards and all applicable local, state, and federal laws and regulations.

**Storage and Disposal of Wastes**

Accepting HHW facility agrees to dispose of all waste listed on attached *Expenditure Authorization for Direct Reimbursement of Orphan Hazardous Waste* form with a KDHE approved hazardous waste contractor in accordance with the facilities current permit. Accepting HHW facility agrees to handle, store and dispose of said wastes and to operate its facility in accordance with applicable safety standards and all applicable local, state, and federal laws and regulations.

Accepting facility agrees not to commingle said wastes with facility/program wastes. This is to ensure that the disposal fee is only for agreed upon waste, uncontaminated from mixing with other potentially contaminated wastes.

Accepting facility agrees not to store greater than 1,000 kg which includes said HHW or orphan wastes, for greater than 90 days.

If said HHW or orphan wastes total less than 1,000 kg, the accepting facility agrees to have all such wastes disposed of within 8 months or within such a period that the invoice for reimbursement is received by KDHE within one year of the issue date which is on the *Expenditure Authorization for Direct Reimbursement of Orphan Hazardous Waste* form, (see Reimbursements section below).

**Reimbursements**

KDHE agrees to reimburse the accepting facility for costs incurred for the disposal of wastes received in accordance with the terms of this agreement. Accepting facility shall render a statement to KDHE for payment as per below, within one year from the issue date on the *Expenditure Authorization for Direct Reimbursement of Orphan Hazardous Waste* form. KDHE will tender payment in accordance with its normal payment procedures.

Attach the following to the invoice/statement for reimbursement:

1. The original signed *Expenditure Authorization for Direct Reimbursement of Orphan Hazardous Waste* form,
2. the hazardous waste manifest,
3. and a copy of the invoice from the contracted hazardous waste firm.

Submit to: Rebecca Wenner  
Bureau of Waste Management  
1000 SW Jackson, Suite 320  
Topeka, KS 66612-1366